

REMARKS

This is in response to the Office Action mailed on June 14, 2004.

Claim 14 is amended. Claims 1-19 are now pending in this application.

§112 Rejection of the Claims

Claims 14-19 were rejected under 35 USC § 112, second paragraph, as being indefinite.

Claim 14 was amended to positively recite the programmable pulse generator adapted to measure the interval. Applicant believes that the amendment addresses the issue raised in the rejection.

Applicant respectfully requests reconsideration and allowance of claim 14.

§102 Rejection of the Claims

Claims 1-3, 8, and 14 were rejected under 35 USC § 102(b) as being anticipated by Salo et al.(U.S. Patent No. 5,334,222, hereinafter Salo).

Claim 1

Applicant respectfully traverses the rejection of claim 1. Applicant submits that the rejection does not clearly and specifically state how Salo is believed to anticipate the subject matter recited in claim 1. For example, the rejection does not assert, among other things, that Salo anticipates a programmable pulse generator adapted to determine a delay time interval referenced to a first cardiac event using a predetermined mapping relationship of a first time interval to an approximately optimal delay time interval for maximizing aortic pulse pressure, as recited in claim 1. Applicant is unable to find in the cited portions of Salo any teaching of such a programmable pulse generator. A clarification of the rejection in the next official communication is requested, or the withdrawal of the rejection is believed to be appropriate.

Applicant respectfully requests reconsideration and allowance of claim 1.

Claims 2 and 3

Applicant respectfully traverses the rejection of claims 2 and 3. Claims 2 and 3 are dependent on claim 1, which is believed to be patentable for the reasons set forth above. Thus,

the discussion above for claim 1 is incorporated herein to support the patentability of claims 2 and 3.

Applicant respectfully requests reconsideration and allowance of claims 2 and 3.

Claim 8

Applicant respectfully traverses the rejection of claim 8. Applicant submits that the rejection does not clearly and specifically state how Salo is believed to anticipate the subject matter recited in claim 8. For example, the rejection does not assert, among other things, that Salo teaches generating an atrio-ventricular delay (AVD_s) calculated from a predetermined mapping of a relationship of an interval to an optimal atrio-ventricular delay for maximum pulse pressure during systole, as recited in claim 8. Applicant is unable to find in the cited portions of Salo any teaching of such a method. A clarification of the rejection in the next official communication is requested, or the withdrawal of the rejection is believed to be appropriate.

Applicant respectfully requests reconsideration and allowance of claim 8.

Claim 14

Applicant respectfully traverses the rejection of claim 14. Applicant submits that the rejection does not clearly and specifically state how Salo is believed to anticipate the subject matter recited in claim 14. For example, the rejection does not assert, among other things, that Salo anticipates a programmable pulse generator adapted to calculate an AVD_s from a predetermined mapping of a relationship of an interval to an optimal atrio-ventricular delay for maximum pulse pressure during systole, as recited in claim 14. Applicant is unable to find in the cited portions of Salo any teaching of such a programmable pulse generator. A clarification of the rejection in the next official communication is requested, or the withdrawal of the rejection is believed to be appropriate.

Applicant respectfully requests reconsideration and allowance of claim 14.

Allowable Subject Matter

Claims 4-7 and 9-13 were objected to as being dependent upon a rejected base claim.

Claims 15-19 were indicated to be allowable if rewritten to overcome the rejection(s) under 35 USC § 112, second paragraph, as set forth in the Office Action.

Claims 4-7 are dependent on claim 1. Claims 9-13 are dependent on claim 8. Claims 15-19 are dependent on claim 14. Applicant believes that the respective base claim of each of these dependent claim is patentable. Thus, it is respectfully submitted that the objection should be withdrawn.

Applicant respectfully requests reconsideration and allowance of claims 4-7, 9-13, and 15-19.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6912 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date Aug. 31, 2004

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 31 day of August, 2004.

Palla Suchy
Name

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Signature